

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

MICHAEL HAINES, :  
Plaintiff :  
: :  
v. : File No. 1:07-CV-138  
: :  
JESSE COOK :  
and J.R. DAVIS, :  
Defendants :  
:

**ORDER**

The Magistrate Judge's Report and Recommendation was filed May 19, 2009. (Paper 28.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Defendant Cook's Motion to Dismiss (Paper 27) is DENIED without prejudice. Plaintiff shall provide proper responses to all outstanding discovery on or before July 28, 2009. Failure to comply with this deadline will result in a severe sanction – an order dismissing the entire case with prejudice.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 8<sup>th</sup> day of July, 2009.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
Senior United States District Judge